

Serial No. 08/321,589

REMARKS

1. The Official Action of July 3, 1995 as well as the Advisory Actions of July 26, October 10 and 16, 1995 have been carefully studied. All what they were recommending under 35 USC 112 has been taken into account to amend the specification. However the Examiner is respectfully requested not to require systematically a substitute specification when a short amendment is proposed to it. Wasting paper is damageable to the environment.

2. Claims 12-14 have been modified to take into account the variants of the invention such as described page 14, lines 13-38, in the substitute specification (page 29, line 10 to the bottom, and page 30, lines 1-7, of the original specification). New claim 15 is focused to the possibility of hooking a movable arm by a stirrup to said beam (page 10, lines 28-32, in the substitute specification and page 22, lines 19-24, of the original specification), in which case said arm could be turned by definition of what is a stirrup around said beam to any direction. In its standard embodiment indeed, as would tell a witness expert in mechanical engineering, a stirrup is made of an U-shaped bolt with both ends threaded for receiving nuts so as to hold back a closing plate featuring two holes just in front of said ends with slightly larger diameter. Less standard is when the bolt is shaped according another curve than a U. But in any case a stirrup is forming by construction a loop. The Examiner is respectfully requested to tell whether craddle-stirrup, such as introduced in the substitute specification, page 10, would be more appropriate than stirrup for translating in English the French word "étrier".

And new claims 16-18 have been introduced to replace claims 12-14 as they were before the proposed modification.

3. In his advisory action of 10/16/95, the Examiner suggests that "clamping without any risk of damaging" would be a new issue. His attention is respectfully drawn to the fact that "without damaging" was in the original claims and specification including the title and has ever since been kept in. "Without any risk of damaging" is simply an enhanced way of writing "without damaging". In addition it has the advantage of responding to the Examiner's concern that the ability of a clamp according to the invention to conform to difficult shapes might be described in claims. As it was told him previously, his suggestion in the advisory action of 07/26/95 to claim a percentage of contact for the substantially elastic buffers would be irrelevant to the present situation, because this percentage would depend not only on said ability but also on the clamping force intensity and on the space width between the teeth of the relief. All what is sure is that with this ability, there is no risk at all of having a pressure peak as there is with other clamps (because of this pressure peak, a brand-new fingerboard (the handle) of a solid body guitar might be found undulated when it has been built with other clamps than ones according to the present invention). If the Examiner suggests another way of claiming, the applicant is ready to ponder on it. But in the while, the Examiner is respectfully requested to reconsider the import of the affidavit filed on 6/16/95.

Serial No. 08/321,589

4. The Examiner's attention is again drawn to the fact that contrary to the appearances the pads disclosed in Thornton are not ring buffers. It is quite clear from the scrutiny of Fig. 4 of Thornton (near No 112). Such a pad is in fact entering inside (is embedding itself in) the arm to which it is secured, nothing to see with a ring buffer which remains outside the arm since it holds thereon by elastic wrapping.

5. Apropos of the Examiner's comment in the advisory action of 07/26/95 according to what in claims 1 and 2 "the contact face not necessarily being at a right angle to the support part" would be a new issue, it can be said that in the invention said contact face is not strictly at a right angle to the support part in most embodiments. It might be more or less flat, bowl-shaped, convex or be the top of a pile of slices (see the original specification p. 21, lines 24-27 and p.22, lines 7-13). That is why it is suggested in the present amendment to replace "essentially" by "approximately".

6. The Examiner's remark that "buffer having under its contact face... a so large thickness" would be a new issue with respect not only 35 USC 112 but also with respect to 35 USC 103, can be considered as surprising. Indeed from the very start (see in particular page 5, lines 21-22, of the original specification) the buffer has been described to have a layer ("a single thickness" according to first meaning given by "The American Heritage Dictionary of the English Language) elastic enough to act as a compression spring (functional definition). Any witness expert in mechanical engineering would tell that a layer could act as a compression spring only if two conditions are fulfilled: it must be made of a very supple material and it must be large enough (anyway larger than one millimeter - see original specification, page 21, lines 16-20 - which is in the region of the thickness of the pads of which some other clamps might be equipped and which cannot react like springs). The same functional definition was standing in the claims filed on same day than the original application (11/6/92). So the Examiner is respectfully requested to waive the corresponding objection.

7. It seems that if the Examiner stands corrected in that the specification, as originally filed, does provide support for the possibility of making a support part by connecting end to end several beams, he would have liked to find in such a specification a reasoning why several beams connected together would function better than one beam or support part as taught by the references. However it is explained in such a specification p. 11, lines 26-33 and p. 12, lines 1-6, that the advantage of this making is to get the same maximum opening with several short beams than the one given by one large beam. In other words, several short beams connected end to end in a row by couplers can function exactly like than one large beam does, not better, but they can replace it. And that is advantageous in several respects. You can have only small clamps, less expensive, easier to be stocked, and also of more frequent use than large ones (things to be clamped have generally a fairly small thickness, perhaps because things with a small thickness are more fragile and consequently need repair more often than thicker ones), and build however large

Serial No. 08/321,589

clamps in rare occasions you would have the need of. Any expert witness in the art would say that.

8. The Examiner says that reference Berna EPO 0080960 patent teaches providing a support part of a clamping device with multiple sets of movable arms. He is exaggerating: two sets at the most. And in addition the arms of the two sets must be kept in a row. Otherwise the corresponding device could not work. On the contrary, in claims 4-6 of the present application the jaws must not be kept in a row. Otherwise the corresponding devices would not work (see illustration of these claims on Figs. 5-7). So clearly, Berna EPO 0080960 patent does not teach what is claimed in claims 4-6. So the Examiner is respectfully invited to waive any rejection of same claims or to suggest another wording for them.

9. Regarding the clamps according to Ditto's patent, the applicant apologizes to the Examiner. These clamps are not offered for sale in shops wrapped under a hermetic plastic blister but only bare and tied up by small strips to a presentation cardboard (see this "packaging under the trademark "Evergreen Workbench" on photographs 2 and 4 of the color copy attached to the last filed affidavit). The miniature clamps according to the present invention are offered for sale in shops under blister and the applicant thought it was the rule without checking any more on his own Ditto clamp. But indeed this way of offering the Ditto clamps for sale in shop is an additional evidence than the caps 32 and 34 of Ditto must be stuck on their supporting rods. And as a matter of fact, they are. Otherwise they might be removed by handling during the shipping or during examination by potential customers and henceforth jaws and clamps might loosen (when jaws are not pressed against each other) from their cardboards and as a consequence be lost.

When the Examiner asserts that it would not be impossible to remove these caps from their support parts, that means that he considers that it does not matter whether these caps could be damaged or destroyed by this kind of removal. If the bond which has been used is strong enough, that might be very difficult, anyway time-consuming and risky for the cap condition. It is not at all to that kind of removal at which it is aimed for the arms in claim 7 but on the contrary at an easy removal. Otherwise, it would not be user-friendly. That is why "easily" is proposed for being inserted before "removable" in such a claim. It is clear that

Ditto has never aimed at that sort of removal, on the contrary.

Favorable reconsideration and allowance of amended claims 1-18 are petitioned with deference.

Respectfully submitted

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper has been facsimile transmitted to the Commissioner of Patents and Trademarks Office on the date shown below.

Philippe Berna

Philippe BERN

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